

Claim Rejections - 35 USC §102

The Office Action of June 12, 2008 rejected claims 1-4 and 6-15 under 35 U.S.C. §102(e), as being anticipated by Bedell et al. (US Patent No. 7,026,249 B2, "Bedell").

Without conceding any appropriateness of the above claim rejections, Applicants have voluntarily amended independent claim 1 without prejudice.

According to MPEP 2131, in order to anticipate a claim, a reference must teach each and every element of the claim. In particular, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference", citing case law of *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Applicants respectfully submit that amended claim 1 of present invention includes distinctive elements that are not taught, suggested, or even implied by prior art reference Bedell. Such distinctive elements include, inter alia, a method of thinning the relaxed SiGe layer through a high-pressure oxidation of "pressure range of 5ATM-20ATM".

In view of above, Applicant respectfully submits that claim 1 is not anticipated under 35 U.S.C. §102(e) by prior art reference Bedell and is patentable.

Claims 2-3 and 8-15 depend directly or indirectly from claim 1 to include all the distinctive elements of claim 1 as well as other distinct features and elements. Claims 2-3 and 8-15 are patentable at least for the reasons as described above with regard to claim 1.

Applicants have cancelled claims 4 and 6-7 without prejudice.

In view of the above, Applicants respectfully request that rejections of claims 1-4 and 6-15 under 35 U.S.C. §102(e) be withdrawn.

Claim Rejections - 35 USC §103

The Office Action of June 12, 2008 rejected claim 5 under 35 U.S.C. §103(a), as being un-patentable over Bedell in view of Pastor et al. (US Patent No. 4,409,260 A).

Applicants have cancelled claim 5 without prejudice.

In view of the above, Applicants respectfully request that rejection of claim 5 under 35 U.S.C. §103(a) be withdrawn.

Conclusion

In view of the preceding remarks, Applicants respectfully submit that all pending claims are now in condition for allowance. Favorable reconsideration and allowance of the claims are respectfully requested.

No fees are believed to be due in connection with this paper. However, if there is any such fee due, please charge any such fee to the deposit account No. 09-0458.

Respectfully submitted,

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